



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

Grover Sellers  
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ATTORNEY GENERAL

Hon. C. H. Cavness  
State Auditor  
Austin, Texas

Dear Sir:

Opinion No. 0-7077

Re: Whether the Texas Prison System has authority to purchase small tools, implements, working livestock and breeding livestock and pay for the same out of the "Prison Industrial Revolving Fund."

We have received your request for our opinion on the hereinabove captioned matter and we quote from your letter as follows:

"In connection with our audit of the Texas Prison System we would like your opinion on the following. The current Departmental Appropriation Act includes the following as the first 'rider' on the appropriation to the Texas Prison System:

'For the purpose of efficiency and economically purchasing supplies and materials necessary for the operation and maintenance of the Prison System's shoe shop, print shop, garment factory, textile mill, sugar mill, canning plant, agricultural and livestock program, license plate plant, brick plant, tannery, and any other industry of the Prison System, and for the processing, packaging and distributing the goods produced by the Prison Industries there is hereby reappropriated for each year of the biennium beginning September 1, 1945, the Prison Industrial Revolving Fund of Fifty Thousand (\$50,000.00) Dollars created by Chapter 403 (H.B.78) Acts of the First Called Session of the 44th Legislature and deposited in equal amounts in the First National Bank and the Huntsville National Bank in Huntsville, Texas, subject to and with the benefits contemplated in the provisions of said Act. The Prison Industrial Revolving Fund in the State Treasury and all deposits thereto during the biennium beginning September 1, 1945, are appropriated for each year of the biennium and all withdrawals from the Prison Industrial Revolving Fund in the State Treasury made in carrying out said Chapter 403, shall be made on vouchers of the Prison System signed by the

General Manager and Auditor of the Prison System and approved by the State Board of Control and the State Comptroller. The Comptroller shall issue his warrants in payment of said vouchers, when properly signed and approved, out of any money in said Treasury Account.'

"The Prison System is depositing all funds received from the sale of farm products and livestock in the Prison Industrial Revolving Fund - we are sure this is the correct procedure and as was intended by the Legislature.

"We wish to ask if in your opinion it is proper for the Prison System to purchase from the Prison Industrial Revolving Fund, under the 'agricultural and livestock program' specified in the above rider, the following: small tools, implements, working livestock, and breeding livestock."

Section 6, Article 8 of the Texas Constitution reads as follows:

"No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assemblage of the sixteenth Legislature."

We quote from Senate Bill No. 317, Acts 49th Legislature, 1945, Reg. Ses., page 90 7, (which is the General Appropriation Bill for the Executive and Administrative Departments of State government), as follows:

"For the purpose of efficiency and economically purchasing supplies and materials necessary for the operation and maintenance of the Prison System's shoe shop, print shop, garment factory, textile mill, sugar mill, canning plant, agricultural and livestock program, license plate plant, brick plant, tannery, and any other industry of the Prison System, and for the processing, packaging and distributing the goods produced by the Prison Industries there is hereby reappropriated for each year of the biennium beginning September 1, 1945, the Prison Industrial Revolving fund of Fifty Thousand (\$50,000.00) Dollars created by Chapter 403 (H.B. 78), Acts of the First Called Session of the 44th Legislature and deposited in equal amounts in the First National Bank and the Huntsville National Bank in Huntsville, Texas, subject to and with the benefits contemplated in the provisions of said Act. The Prison Industrial Revolving Fund in the State Treasury and all deposits there-to during the biennium beginning September 1, 1945, are appropriated for each year of the biennium and all with-

drawals from the Prison Industrial Revolving Fund in the State Treasury made in carrying out said Chapter 403, shall be made on vouchers of the Prison System signed by the General Manager and Auditor of the Prison System and approved by the State Board of Control and the State Comptroller. The Comptroller shall issue his warrants in payment of said vouchers, when properly signed and approved, out of any money in said Treasury Account."

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In view of the foregoing, it is the opinion of this department that the Texas Prison System can legally make expenditures out of the "Prison Industrial Revolving Fund" as is provided by the above mentioned appropriation bill. There is an appropriation made for the "purpose of efficiently and economically purchasing supplies and materials necessary for the operation and maintenance of . . . the agricultural and livestock program" and we think that this provision includes expenditures for small tools and other items mentioned in your letter. Therefore, it is our opinion that the Texas Prison System is authorized to purchase and pay for small tools, implements, working livestock and breeding livestock out of the "Prison Industrial Revolving Fund."

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By /s/ J. C. Davis, Jr.  
Assistant

JCD:ms:jrb

APPROVED OPINION COMMITTEE  
BY WJF, Chairman

APPROVED FEB. 6, 1948<sup>6</sup> (1948)  
/s/ Carlos C. Ashley  
FIRST ASSISTANT  
ATTORNEY GENERAL